

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, May 8, 2014  
Place: Department B – Courtroom #12  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

9:00 A.M.

1. [11-19212](#)-B-11 MERCED FALLS RANCH, LLC MOTION TO CONVERT CASE FROM  
KDG-1 CHAPTER 11 TO CHAPTER 7  
CAPPELLO AND NOEL LLP/MV 4-9-14 [[347](#)]  
RILEY WALTER/Atty. for dbt.  
DISMISSED

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.**

2. [13-17341](#)-B-7 HOWARD SAGASER CONTINUED MOTION TO EMPLOY GARY  
KDG-2 I. ISTANBOULIAN AS  
HOWARD SAGASER/MV ACCOUNTANT(S)  
11-27-13 [[24](#)]  
  
HAGOP BEDOYAN/Atty. for dbt.  
CONVERTED 2/14/14

**This matter will be continued to the chapter 7 calendar on May 29, 2014, at 10:00 a.m. for proper notice. This matter was continued from March 13, 2014, in contemplation that debtor's counsel would file and serve a separate motion to enlarge the scope of duties for which the accountant would seek compensation. That motion was not filed until May 1, 2014, seven days before the scheduled hearing. It was mailed without a separate notice and needs to be properly noticed. The court will prepare a minute order. No appearance is necessary.**

3. [13-17341](#)-B-7 HOWARD SAGASER CONTINUED MOTION FOR  
KDG-6 COMPENSATION FOR GARY I.  
HAGOP BEDOYAN/MV ISTANBOULIAN, ACCOUNTANT(S),  
1-21-14 [[153](#)]  
  
HAGOP BEDOYAN/Atty. for dbt.  
CONVERTED 2/14/14,  
RESPONSIVE PLEADING

**This matter will be continued to the chapter 7 calendar on May 29, 2014, at 10:00 a.m., to be called with the continued matter above. This matter was continued from March 13, 2014, in contemplation that the applicant would file and serve a final fee application for all services rendered in the Chapter 11 case. The final fee application has not been filed. The court will prepare a minute order. No appearance is necessary.**

4. [13-17341](#)-B-7 HOWARD SAGASER CONTINUED MOTION TO EMPLOY  
WFH-2 DANIEL L. EGAN AS ATTORNEY(S)  
SHERYL STRAIN/MV 3-12-14 [[258](#)]  
HAGOP BEDOYAN/Atty. for dbt.  
DANIEL EGAN/Atty. for mv.

5. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA  
WW-5  
ANTONIO PARREIRA/MV  
RILEY WALTER/Atty. for dbt. MOTION TO ASSUME LEASE OR  
EXECUTORY CONTRACT  
4-14-14 [[105](#)]
6. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA  
WW-8  
ANTONIO PARREIRA/MV  
RILEY WALTER/Atty. for dbt. MOTION TO BORROW  
4-14-14 [[99](#)]
7. [14-10344](#)-B-12 ANTONIO/LUCIA PARREIRA  
WW-9  
RILEY WALTER/Atty. for dbt. MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF WALTER AND  
WILHELM LAW GROUP FOR RILEY C.  
WALTER, DEBTOR'S ATTORNEY(S).  
4-10-14 [[77](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

8. [13-16954](#)-B-11 MADERA ROOFING, INC.  
ERIC FROMME/Atty. for dbt. CONTINUED STATUS CONFERENCE RE:  
VOLUNTARY PETITION  
10-25-13 [[1](#)]

**This matter will be continued to May 22, 2014, at 9:00 a.m., for consideration after the court rules on the U.S. Trustee's motion to appoint a chapter 11 trustee. The court will prepare a minute order. No appearance is necessary.**

9. [13-16954](#)-B-11 MADERA ROOFING, INC.  
EJF-9  
ERIC FROMME/Atty. for dbt. DISCLOSURE STATEMENT FILED BY  
DEBTOR MADERA ROOFING, INC.  
3-26-14 [[226](#)]

**The debtor's disclosure statement has been withdrawn. No appearance is necessary.**

10. [13-16954](#)-B-11 MADERA ROOFING, INC.  
UST-3  
TRACY DAVIS/MV  
ERIC FROMME/Atty. for dbt.  
ROBIN TUBESING/Atty. for mv. CONTINUED MOTION TO APPOINT  
TRUSTEE  
4-18-14 [ 259 ]

10:30 A.M.

- |    |  |                         |                                      |
|----|--|-------------------------|--------------------------------------|
| 1. | <a href="#"><u>13-16705</u></a> -B-7   | JOHN ARANJO             | STATUS CONFERENCE RE: COMPLAINT      |
|    | <a href="#"><u>14-1029</u></a>   |                         | 3-3-14 [ <a href="#"><u>1</u></a> ]  |
|    | ARANJO, SR. V. GE CAPITAL<br>RETAIL BANK ET AL<br>PETER BUNTING/Atty. for pl.<br>ORDER EXTENDING TIME TO FILE<br>A RESPONSIVE PLEADING |                         |                                      |
| 2. | <a href="#"><u>13-17617</u></a> -B-7   | DEONE BRAXTON           | CONTINUED STATUS CONFERENCE RE:      |
|    | <a href="#"><u>14-1015</u></a>   |                         | COMPLAINT                            |
|    | SNIDER LEASING CORP. V.<br>BRAXTON<br>JOHN BRITTON/Atty. for pl.   |                         | 1-27-14 [ <a href="#"><u>1</u></a> ] |
| 3. | <a href="#"><u>13-16432</u></a> -B-7   | PATRICK/MARGARET BOWMAN | STATUS CONFERENCE RE: AMENDED        |
|    | <a href="#"><u>14-1002</u></a>   |                         | COMPLAINT                            |
|    | AVALOS ET AL V. BOWMAN<br>DANIEL MALAKAUSKAS/Atty. for pl.   |                         | 4-1-14 [ <a href="#"><u>12</u></a> ] |
| 4. | <a href="#"><u>13-14675</u></a> -B-7   | JERRY KUTUMIAN          | CONTINUED STATUS CONFERENCE RE:      |
|    | <a href="#"><u>13-1112</u></a>   |                         | AMENDED COMPLAINT                    |
|    | ADAMS ET AL V. KUTUMIAN<br>MITCHELL GOLUB/Atty. for pl.  |                         | 4-2-14 [ <a href="#"><u>43</u></a> ] |
| 5. | <a href="#"><u>12-10097</u></a> -B-7   | ARMANDO TOPETE          | RESCHEDULED STATUS CONFERENCE        |
|    | <a href="#"><u>14-1013</u></a>   |                         | RE: COMPLAINT                        |
|    | SALVEN V. TOPETE ET AL<br>THOMAS ARMSTRONG/Atty. for pl.   |                         | 1-22-14 [ <a href="#"><u>1</u></a> ] |

**11:00 A.M.**

1. [12-12392](#)-B-7     RICHARD/MARY VIZZOLINI     FINAL PRE-TRIAL CONFERENCE RE:  
[12-1112](#)     COMPLAINT  
AMERICAN EXPRESS TRAVEL     6-25-12 [[1](#)]  
RELATED SERVICES COMPANY, V.  
JOHN O'DONNELL/Atty. for pl.

1:30 P.M.

1. [13-10906](#)-B-13 JEFFREY/JOSEFINA MARQUEZ MOTION TO MODIFY PLAN  
PBB-2 3-28-14 [[36](#)]  
JEFFREY MARQUEZ/MV  
PETER BUNTING/Atty. for dbt.

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and the chapter 13 trustee's opposition has been withdrawn. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

2. [14-10623](#)-B-13 JOSHUA JONE AND MANDY MOTION FOR RELIEF FROM  
AMC-1 JONES AUTOMATIC STAY  
CENTRAL MORTGAGE COMPANY/MV 3-28-14 [[78](#)]  
VANESSA WIDENER/Atty. for mv.

This motion for relief from stay under §362(d)(1) and (2) will be dropped from calendar without a disposition. The case has already been dismissed. The motion for relief under §362(d)(4) will be denied. The motion was filed without admissible supporting evidence for that relief as required by Local Rule 9014-1(d)(6). No appearance is necessary.

3. [14-10623](#)-B-13 JOSHUA JONE AND MANDY OBJECTION TO CONFIRMATION OF  
AMC-2 JONES PLAN BY CENTRAL MORTGAGE  
CENTRAL MORTGAGE COMPANY/MV COMPANY  
4-8-14 [[96](#)]  
VANESSA WIDENER/Atty. for mv.

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

4. [14-10527](#)-B-13 ALEXIS FROST ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-10-14 [[21](#)]  
MARK ZIMMERMAN/Atty. for dbt.  
PAID INSTALLMENT 4/14/14

5. [14-10832](#)-B-13 LIONEL MENDEZ  
PBB-1  
LIONEL MENDEZ/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
GE CAPITAL RETAIL BANK  
4-9-14 [[15](#)]

**This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$500. The moving party shall submit a proposed order consistent with this ruling. *The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates.* The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.**

6. [13-17846](#)-B-13 REYES SALCEDO  
RCO-1  
WELLS FARGO BANK, N.A./MV  
HENRY NUNEZ/Atty. for dbt.  
NANCY LEE/Atty. for mv.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-10-14 [[67](#)]

**The motion has been withdrawn. No appearance is necessary.**

7. [13-15548](#)-B-13 LISA MILLER  
JRL-5  
LISA MILLER/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
BANK OF AMERICA, N.A.  
3-21-14 [[72](#)]

**This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary. *This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.***

8. [13-15548](#)-B-13 LISA MILLER  
JRL-6  
LISA MILLER/MV  
JERRY LOWE/Atty. for dbt.

MOTION TO CONFIRM PLAN  
3-21-14 [[78](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

9. [13-17154](#)-B-13 CARLOS/ELENA ORTIZ  
PLF-1  
CARLOS ORTIZ/MV  
PETER FEAR/Atty. for dbt.

MOTION TO CONFIRM PLAN  
3-21-14 [[25](#)]

10. [13-15254](#)-B-13 JERAL RICHARDSON  
[14-1014](#)  
RICHARDSON V. RICHARDSON ET AL  
J. IRIGOYEN/Atty. for pl.  
RESPONSIVE PLEADING

STATUS CONFERENCE RE: COMPLAINT  
1-25-14 [[1](#)]

This status conference will be dropped from calendar because the record does not show that the summons and complaint were properly and/or timely served in compliance with FRBP 7004(b) & (e). The summons and complaint were not served together. The summons was not served within 14 days after being issued. The clerk of the court will issue a notice of intent to dismiss for unreasonable delay and failure to prosecute if the plaintiff does not get the complaint properly served with a reissued summons within 30 days. No appearance is necessary.

11. [14-10859](#)-B-13 RICHARD/BARBARA JOHNSON  
BCS-1  
RICHARD JOHNSON/MV  
BENJAMIN SHEIN/Atty. for dbt.

MOTION TO AVOID LIEN OF CAPITAL  
ONE BANK  
4-2-14 [[15](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.



12. [10-63873](#)-B-13 AUGUSTIN/VANDA GALVAN  
MHM-2  
MICHAEL MEYER/MV  
  
JOEL WINTER/Atty. for dbt.  
WITHDRAWN

OBJECTION TO DEBTORS 11 U.S.C.  
SEC. 1328 CERTIFICATION BY  
MICHAEL H. MEYER  
3-25-14 [[76](#)]

**The trustee's objection has been withdrawn. The discharge has been entered and the case has been closed. No appearance is necessary.**

13. [13-17973](#)-B-13 MARIA VASQUEZ  
GMA-1  
MARIA VASQUEZ/MV  
GEOFFREY ADALIAN/Atty. for dbt.

CONTINUED MOTION TO AVOID LIEN  
OF KINGS CREDIT SERVICES  
2-3-14 [[18](#)]

**This motion has been withdrawn. No appearance is necessary.**

14. [10-17482](#)-B-13 RORY/SHERIE BENEDICT  
PLF-4

MOTION FOR COMPENSATION FOR  
PETER L. FEAR, DEBTOR'S  
ATTORNEY(S).  
4-2-14 [[94](#)]

PETER FEAR/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

15. [13-14183](#)-B-13 KATHERINE SAMPSON  
BCS-2

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF SHEIN LAW GROUP,  
PC FOR BENJAMIN C. SHEIN,  
DEBTOR'S ATTORNEY(S).  
3-31-14 [[31](#)]

BENJAMIN SHEIN/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

16. [14-10684](#)-B-13 NADER SHOKRY  
PLG-1  
  
NADER SHOKRY/MV  
RABIN POURNAZARIAN/Atty. for dbt.

MOTION TO AVOID LIEN OF  
COLLECTIBLES MANAGEMENT  
RESOURCES, GENERAL PARTNERSHIP  
3-31-14 [[22](#)]

**This matter will be continued to May 29, 2014, at 1:30 p.m. The motion needs to be amended and renoticed. Neither the notice nor the motion clearly identify the intended respondent. Section I on page 2 of the motion erroneously identifies the respondent as Chase Bank N.A. The court will prepare a minute order. No appearance is necessary.**

17. [10-17390](#)-B-13 DAVID/BEVERLY HANES  
PLF-8

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF PETER L. FEAR FOR  
PETER L. FEAR, DEBTOR'S  
ATTORNEY(S).  
4-9-14 [[104](#)]

PETER FEAR/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

18. 14-11487-B-13 WILLIE THOMPSON

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-21-14 [ 22 ]

19. 13-18074-B-13 PATRICIA SANDOVAL  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
4-22-14 [ 35 ]

RANDY RISNER/Atty. for dbt.

**This matter will be continued to June 12, 2014, at 1:30 p.m., to be called with the debtor's motion to confirm a modified plan. The court will prepare a minute order. No appearance is necessary.**

20. 14-10510-B-13 SAMUEL/DIANE DOMINGUEZ  
MHM-1  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
4-22-14 [ 23 ]

DAVID JENKINS/Atty. for dbt.

**This matter will be dropped from calendar without a disposition. The debtors have voluntarily dismissed this case. No appearance is necessary.**

21. 14-11950-A-13 DARLA RAMBONGA  
SL-1  
DARLA RAMBONGA/MV  
SCOTT LYONS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
4-28-14 [ 8 ]

22. 14-11897-A-13 JUSTINO LEON  
SL-1  
JUSTINO LEON/MV  
SCOTT LYONS/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
4-28-14 [ 12 ]